(1) (3)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
JUDICATURE AT BILASPUR

Single Bench

Misc. Appeal No. 453 /2003

APPELLANTS : 1. **Smt. Sanjita Devi, Aged about 23 years.**
W/o Late Sheo Shanker Prajapati

APPLICANTS 2. **Deepak Rajkumar (Minor), Aged about 7 years**
S/o Late Sheo Shanker Prajapati

Both residing at :
Village : Singholi, Post : Dalmiyanagar,
Police Thana : Dehi Anson
Distt : Rohtas (Sasaram) Bihar
Local Address :
C/o Shri K.L. Lunia
Block No.5, Daga Blocks,
Civil Lines, Raipur (C.G.)

P. R. No. 1152/03
Presented by Shri Sachin Singh Baghel
dated 07.8.03

VERSUS

RESPONDENTS : 1. **Smt. Sumi Guha**
NON-APPLICANTS W/o Shri Alok Guha
Shanker Nagar, Raipur (C.G.)
Owner of Vehicle No. MP-26-D-0546

2. **Branch Manager**
National Insurance Co.Ltd.,
Branch Office : Naveen Market
G.E.Road, Raipur (C.G.)
Insurer of the Vehicle No.
MP-26-D-0546. Insurance Policy
No. 00/6300265 Period 23.04.2000
to 22.04.2001.

(A)

MEMORANDUM OF APPEAL UNDER SECTION 30 OF THE WORKMEN'S COMPENSATION ACT, 1923.

Claim in Appeal Valued At Rs. 93,602/- (Rs. 91,102-00 Interest @ 12% On Rs.379592-00 for dated 23.03.2001 to 05.02.2003 date of Order and Rs.2500/- for Funeral Expenses provided for payment as per W.C.Act 1923) Arising out of Award Passed In W.C.Case No. 127/2001 W.C.A./FATAL/2001 In The Case Smt. Sanjita Devi & her minor Son VERSUS - Smt. Sumi Guha AND National Insurance Company By THE COMMISSIONER For Workmen's Compensation, Labour Court, Raipur On 05.02.2003 Marked As ANNEXURE A-1.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.No-453/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

9-12-2004

Heard Shri S.S. Rajput, counsel for the appellants.

Shri Rajesh Pandey, counsel for respondent No.1.

Shri Sanjay K. Agrawal, counsel for respondent No.2.

One Shivshankar Prajapati died in the course of employment and his wife and minor son made a claim before the Commissioner for Workmen's Compensation. The Commissioner passed an award fixing the compensation at Rs.3,79,592/- with interest at the rate of 9% from the date of the award.

The claimants have filed this appeal questioning the correctness of the order insofar as awarding of the interest.

As far as Section-4 of the Workmen's Compensation Act is concerned, the interest would become payable after one month that is to say in this case from 23-4-2001 since the accident took place on 23-3-2001. That apart, the interest payable is @ 12% per annum even if the lending rate of the Bank is less than the said rate. The provision is also to the effect that where the lending rate exceeds 12% the Court can fix the interest payable at more than 12%.

So far as the present case is concerned, from the facts and circumstances of the case, this Court passes the following order:-

(i) Respondent No.2 is liable to pay a sum of Rs.3,79,592/- with interest thereon @ 12% per annum payable from 23-4-2001,

(ii) Needless to mention that the amount already paid by the Insurance Company has to be deducted.

With the aforesaid directions, the appeal stands disposed of.

Parties are entitled for certified copy of this order

Sd/-
Chief Justice

Subbu

[पीछे देखिये